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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,482	10/15/2004	Akira Iwamura	F-8424	4627
28107	7590	08/02/2007	EXAMINER	
JORDAN AND HAMBURG LLP			CHUO, TONY SHENG HSIANG	
122 EAST 42ND STREET			ART UNIT	PAPER NUMBER
SUITE 4000			1745	
NEW YORK, NY 10168			MAIL DATE	
08/02/2007		DELIVERY MODE		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/511,482	IWAMURA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Tony Chuo	1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 15 October 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-6 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 October 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 10/15/04.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 10/15/04 was filed on 10/15/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Drawings***

3. The drawings filed on 10/15/04 are accepted by the examiner.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuchiya et al (JP 2002-042753).

The Tsuchiya reference discloses a battery pack comprising: a plurality of batteries "20" each having an oval or oblong cross-sectional shape; a plurality of cell

holders "30" each of which accommodates and holds each of the batteries therein with spaces provided outside both ends of the battery in the longitudinal direction and outside at least one side face of the battery, each of the cell holders being formed by a rectangular frame having opened side faces that face both sides of the battery, wherein the cell holders that accommodate and hold the batteries are arranged with the opened side faces thereof aligned, at both ends of the arranged cell holders; and end plates "58" that are jointed together with the cell holders as one unit to form an outer case for accommodating the plurality of batteries therein and for forming cooling spaces "50" & "52" outside both ends of the respective batteries and between the side faces of the respective batteries (See Drawings 1, 3, and 4 and paragraphs [0016],[0019],[0020]). It also discloses connection terminals "22" that are provided in each battery and a space "38" for allowing the connection terminals to be arranged therein that is formed in each cell holder (See Drawing 1 and paragraph [0019]).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya et al (JP 2002-042753) in view of Masuda et al (JP 2003-100273). The Tsuchiya reference is applied to claims 1, 2, and 5 for reasons stated above.

However, Tsuchiya et al does not expressly teach each of the holding frames that is provided with a gas discharge passage portion for sealing and covering a space surrounding a gas discharge port provided in the battery that has connection ports opened at both side faces of the holding frame. The Masuda reference discloses a battery holding part for a battery assembly comprising a seal projection "31" that seals and covers a space surrounding a gas discharge port "10" provided in the battery "4" and has connection ports "35" opened at both side faces of the battery holding part (see Drawings 1 and 6 and paragraphs [0019],[0022],[0030],[0034]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Tsuchiya battery pack to include each of the holding frames that is provided with a gas discharge passage portion for sealing and covering a space surrounding a gas discharge port provided in the battery that has connection ports opened at both side faces of the holding frame in order to allow for gases to be vented from the batteries through a cell holder structure that reduces the cost of manufacturing the battery pack.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Chuo whose telephone number is (571) 272-0717. The examiner can normally be reached on M-F, 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TC



JONATHAN CREPEAU  
PRIMARY EXAMINER